

In the Senate of the United States,

October 3, 2001.

Resolved, That the bill from the House of Representatives (H.R. 768) entitled “An Act to amend the Improving America’s Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the anti-trust laws.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Need-Based Educational*
3 *Aid Act of 2001”.*

1 **SEC. 2. AMENDMENT.**

2 *Section 568(d) of the Improving America’s Schools Act*
 3 *of 1994 (15 U.S.C. 1 note) is amended by striking “2001”*
 4 *and inserting “2008”.*

5 **SEC. 3. GAO STUDY AND REPORT.**

6 *(a) STUDY.—*

7 *(1) IN GENERAL.—The Comptroller General shall*
 8 *conduct a study of the effect of the antitrust exemp-*
 9 *tion on institutional student aid under section 568 of*
 10 *the Improving America’s Schools Act of 1994 (15*
 11 *U.S.C. 1 note).*

12 *(2) CONSULTATION.—The Comptroller General*
 13 *shall have final authority to determine the content of*
 14 *the study under paragraph (1), but in determining*
 15 *the content of the study, the Comptroller General shall*
 16 *consult with—*

17 *(A) the institutions of higher education par-*
 18 *ticipating under the antitrust exemption under*
 19 *section 568 of the Improving America’s Schools*
 20 *Act of 1994 (15 U.S.C. 1 note) (referred to in*
 21 *this Act as the “participating institutions”);*

22 *(B) the Antitrust Division of the Depart-*
 23 *ment of Justice; and*

24 *(C) other persons that the Comptroller Gen-*
 25 *eral determines are appropriate.*

26 *(3) MATTERS STUDIED.—*

1 (A) *IN GENERAL.*—*The study under para-*
2 *graph (1) shall—*

3 (i) *examine the needs analysis meth-*
4 *odologies used by participating institutions;*

5 (ii) *identify trends in undergraduate*
6 *costs of attendance and institutional under-*
7 *graduate grant aid among participating in-*
8 *stitutions, including—*

9 (I) *the percentage of first-year*
10 *students receiving institutional grant*
11 *aid;*

12 (II) *the mean and median grant*
13 *eligibility and institutional grant aid*
14 *to first-year students; and*

15 (III) *the mean and median pa-*
16 *rental and student contributions to un-*
17 *dergraduate costs of attendance for*
18 *first year students receiving institu-*
19 *tional grant aid;*

20 (iii) *to the extent useful in determining*
21 *the effect of the antitrust exemption under*
22 *section 568 of the Improving America's*
23 *Schools Act of 1994 (15 U.S.C. 1 note),*
24 *examine—*

1 (I) comparison data, identified in
2 clauses (i) and (ii), from institutions
3 of higher education that do not partici-
4 pate under the antitrust exemption
5 under section 568 of the Improving
6 America's Schools Act of 1994 (15
7 U.S.C. 1 note); and

8 (II) other baseline trend data
9 from national benchmarks; and

10 (iv) examine any other issues that the
11 Comptroller General determines are appro-
12 priate, including other types of aid affected
13 by section 568 of the Improving America's
14 Schools Act of 1994 (15 U.S.C. 1 note).

15 (B) ASSESSMENT.—

16 (i) IN GENERAL.—The study under
17 paragraph (1) shall assess what effect the
18 antitrust exemption on institutional student
19 aid has had on institutional undergraduate
20 grant aid and parental contribution to un-
21 dergraduate costs of attendance.

22 (ii) CHANGES OVER TIME.—The assess-
23 ment under clause (i) shall consider any
24 changes in institutional undergraduate
25 grant aid and parental contribution to un-

1 *dergraduate costs of attendance over time*
2 *for institutions of higher education, includ-*
3 *ing consideration of—*

4 *(I) the time period prior to adop-*
5 *tion of the consensus methodologies at*
6 *participating institutions; and*

7 *(II) the data examined pursuant*
8 *to subparagraph (A)(iii).*

9 *(b) REPORT.—*

10 *(1) IN GENERAL.—Not later than September 30,*
11 *2006, the Comptroller General shall submit a report*
12 *to the Committee on the Judiciary of the Senate and*
13 *the Committee on the Judiciary of the House of Rep-*
14 *resentatives that contains the findings and conclu-*
15 *sions of the Comptroller General regarding the mat-*
16 *ters studied under subsection (a).*

17 *(2) IDENTIFYING INDIVIDUAL INSTITUTIONS.—*
18 *The Comptroller General shall not identify an indi-*
19 *vidual institution of higher education in information*
20 *submitted in the report under paragraph (1) unless*
21 *the information on the institution is available to the*
22 *public.*

23 *(c) RECORDKEEPING REQUIREMENT.—*

1 (1) *IN GENERAL.*—*For the purpose of completing*
 2 *the study under subsection (a)(1), a participating in-*
 3 *stitution shall—*

4 (A) *collect and maintain for each academic*
 5 *year until the study under subsection (a)(1) is*
 6 *completed—*

7 (i) *student-level data that is sufficient,*
 8 *in the judgment of the Comptroller General,*
 9 *to permit the analysis of expected family*
 10 *contributions, identified need, and under-*
 11 *graduate grant aid awards; and*

12 (ii) *information on formulas used by*
 13 *the institution to determine need; and*

14 (B) *submit the data and information under*
 15 *paragraph (1) to the Comptroller General at*
 16 *such time as the Comptroller General may rea-*
 17 *sonably require.*

18 (2) *NON-PARTICIPATING INSTITUTIONS.*—*Nothing*
 19 *in this subsection shall be construed to require an in-*
 20 *stitution of higher education that does not participate*
 21 *under the antitrust exemption under section 568 of*
 22 *the Improving America's Schools Act of 1994 (15*
 23 *U.S.C. 1 note) to collect and maintain data under*
 24 *this subsection.*

1 **SEC. 4. EFFECTIVE DATE.**

2 *This Act and the amendments made by this Act shall*
3 *take effect on September 30, 2001.*

Amend the title so as to read: “An Act to amend the Improving America’s Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.”.

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

H. R. 768

AMENDMENTS